

RESOLUTION NO. R-83-59

RESOLUTION APPROVING ZONING PETITION 82-58, SPECIAL EXCEPTION

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements as **provided** for in Chapter 402.5 of the Palm Beach County Zoning Code Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 82-58 was presented to the Board of County Commissioners of Palm Beach County at its **public** hearing conducted on 29 July 1982 ; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. The proposal would be in harmony and **compatible** with the present and future development of the area concerned,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 29th day of July, 1982, that Petition No. 82-58, the petition of HIGHWAY OIL, INC. by H. Michael Easley, Attorney, FOR THE FURTHER SPECIAL EXCEPTION TO ALLOW A GASOLINE SERVICE STATION on the Southeast 1/4 of Southwest 1/4 of Southwest 1/4 of Section 36, Township 43 South, Range 42 East, excepting therefrom the following: the East 143 feet thereof, the West 100 feet thereof; the portion thereof lying South of the North right-of-way boundary of State Road 80, Tract conveyed to Station Development Corporation by Deed dated 8-18-53 and filed 8-20-53 in Deed Book 1028, page 114, -- as described as follows: Commencing on the North line of the right-of-way of Southern Boulevard (S.R. 80) 100 feet East of the West line of the Southeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 36, Township 43 South, Range 42 East, this being on the East line of the tract of land conveyed to Walter S. Biichle and Sue Biichle, by deed dated December 8, 1947, and recorded in Deed Book 829, page

5.8 3, and being the Point of Beginning of the tract of land hereby conveyed; thence Easterly along the North line of said right-of-way, a distance of 225 feet; thence North on a line parallel to Biichle's East line, a distance of 225 feet; thence West on a line parallel to the North line of the Southeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of said Section 36, a distance of 225 feet, more or less to Biichle's East line; thence South along Biichle's East line, a distance of 225 feet, more or less to the Point of Beginning. Said property located on the north side of Southern Boulevard (S.R. 80), approximately .1 mile east of Haverhill Road, was approved as advertised subject to the following special conditions.:

1. Developer agrees to limit the liability of government for future condemnation of the portion of this property located within the ultimate right-of-way for Southern Boulevard to those improvements and activities which existed prior to the approval of this Special Exception. Any improvements made within the ultimate right-of-way as a result of this approval shall be done at the owner's sole risk and shall be deducted from the value of the property at the time of condemnation.
2. Petitioner shall construct prior to the issuance of a Certificate of Occupancy a left turn lane, west approach, and a right turn lane, east approach, on Southern Boulevard at the project's entrance per the County Engineer's approval.
3. Petitioner shall contribute Nine Thousand Nine Hundred and Seventy Five Dollars (\$9,975.00) toward the cost of meeting this project's direct and identifiable traffic impact, to be paid on a pro-rata basis at the time of issuance of the building permit(s). Said fee shall be credited for developer's cost to meet Condition 2.
4. Petitioner shall apply to the Board of Adjustment for a variance for any improvements made within the ultimate right-of-way.

Commissioner Bailey, moved For approval of the petition.

The motion was seconded by Commissioner Koehler, and upon being put to a vote, the vote was as follows :

Norman Gregory, Chairman		Absent
Peggy Evatt, Vice Chairman	--	Aye
Bill Bailey, Member.	-	Aye
Dennis Koehler, Member		Aye
Frank Foster, Member		Aye

The foregoing resolution was declared duly passed and adopted this 18th day of January, 1983, confirming action of 29 July 1982:

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
COUNTY ATTORNEY
 By: John Cabell

PALM BEACH COUNTY, FLORIDA
 BY ITS BOARD OF COUNTY COMMISSIONERS
 JOHN B. DUNNIE, Clerk
 By: John Koehler
 Deputy Clerk